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BOMEX/INVESTIGATIONS

480 551 2702 P.02/06

1  
2 **BEFORE THE ARIZONA MEDICAL BOARD**

3  
4 David A. Wilbirt, M.D.,

MD-05-0197

5 Holder of License No. 9920  
6 For the Practice of Allopathic  
7 Medicine In the State of Arizona,

**INTERIM CONSENT AGREEMENT FOR  
PRACTICE LIMITATION**

8 Respondent.  
9

10 **INTERIM CONSENT AGREEMENT**

11 By mutual agreement and understanding, between the Executive Director of the  
12 Arizona Medical Board ("Board") and David A. Wilbirt, M.D. (Physician) the parties  
13 agree to the following disposition of this matter:

- 14 1. Physician acknowledges that he has read and understands this Interim Consent  
15 Agreement and the stipulated Interim Findings of Fact, Conclusions of Law and  
16 Order, and has had the opportunity to discuss this Consent Agreement with an  
17 attorney or has waived the opportunity to discuss this Consent Agreement with  
18 an attorney.  
19  
20 2. Physician understands that by entering into this Interim consent Agreement, he  
21 voluntarily relinquishes any rights to a hearing or judicial review in state or  
22 federal court on the matter alleged, or to challenge this interim Consent  
23 Agreement in its entirety as issued by the Board, and waives any other cause of  
24 action related thereto or arising from said Interim Consent Agreement.  
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- 1 3. Physician acknowledges and understands that this Interim Consent Agreement  
2 will not become effective until signed by the Executive Director.
- 3 4. All admissions made by Physician are solely for the interim disposition of this  
4 matter, and any subsequent related administrative proceedings or civil litigation  
5 involving the Board and Respondent. Therefore, said admissions by Physician  
6 are not intended or made for any other use, such as in the context of any other  
7 regulatory agency proceedings, or civil or criminal proceedings, whether in the  
8 State of Arizona or any other state or federal court, except related to the  
9 enforcement of the Interim Consent Agreement itself.
- 10 5. Physician acknowledges and agrees that, although the Executive Director has not  
11 yet issued the Interim Consent Agreement, physician may not make any  
12 modifications to the document. Upon signing this Consent Agreement and  
13 returning this document (or a copy thereof) to the Board's Executive Director,  
14 Physician may not revoke his acceptance of the Interim Consent Agreement or  
15 make any modifications to the document, regardless of whether the Consent  
16 Agreement has been issued by the Executive Director. Any modification to this  
17 original document is ineffective and void unless mutually approved by the  
18 parties in writing.
- 19 6. Physician further understands that this Interim Consent Agreement, once signed  
20 and approved, is a public record that may be publicly disseminated as a formal  
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BOMEX INVESTIGATIONS

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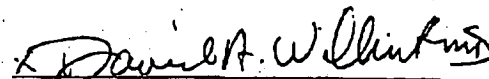
1 non-disciplinary action of the Board, and shall be reported as required by law to  
2 the National Practitioner Data Bank and posted on the Arizona Medical Board  
3 web site as a non-disciplinary action.  
4

- 5 7. If any part of the Interim Consent Agreement is later declared void or otherwise  
6 unenforceable, the remainder of the Interim Consent Agreement in its entirety  
7 shall remain in force and effect.  
8

ACCEPTED BY:

DATED:

4-13-05



David A. Wilbirt, M.D.

By Power of Attorney

  
Attorney for RespondentFINDINGS OF FACT

- 17 1. The Board is the duly constituted authority for the regulation and control of the  
18 practice of allopathic medicine in the State of Arizona.  
19 2. Physician is the holder of license number 9920 for the practice of allopathic  
20 medicine in the State of Arizona.  
21 3. The Board initiated its investigation of this matter after receiving information  
22 that Physician had suffered a significant cerebrovascular accident on February  
23 16, 2005.  
24 4. The Board's medical consultant reviewed Physician's medical records including  
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1 his emergency room admission, ICU and neurorehabilitation. He found that  
2 physician likely has significant cognitive impairment as a result in addition to  
3 some degree of physical disability that is likely to impinge on his ability to  
4 safely engage in the practice of medicine.  
5

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7 CONCLUSIONS OF LAW

- 8  
9 1. The Board possesses jurisdiction over the subject matter hereof and over  
10 Physician.  
11 2. The Executive Director may enter into a consent agreement with a physician if  
12 there is evidence of danger to the public health and safety. A.R.S. 32-1451(F);  
13 A.A.C. R4-16-409.  
14

15  
16 ORDER

17 **IT IS HEREBY ORDERED that:**

- 18 1. Physician's practice is limited in that he shall not practice clinical medicine or any  
19 medicine involving direct patient care, and is prohibited from prescribing any form  
20 of treatment, including prescriptions or medications, to any patient, until he  
21 applies to the Board and receives the Board's affirmative approval to return to  
22 unlimited practice. The Board may require any combination of staff approved  
23 physical examination, psychiatric and/or psychological evaluations it finds  
24 necessary to assist in determining whether Physician is able to safely engage in the  
25 practice of medicine.  
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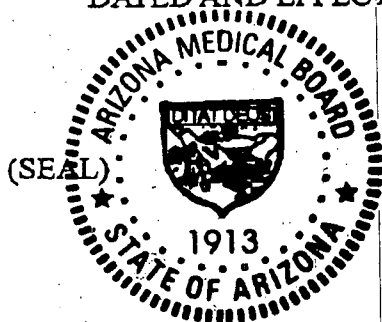
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1 2. The Board retains jurisdiction and may initiate an action based on any violation of  
2 this Interim Consent Agreement.

3 DATED AND EFFECTIVE this 13 day of April, 2005.

4 ARIZONA MEDICAL BOARD



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By: Timothy C. Miller, J.D.  
Executive Director

Original of the foregoing filed  
this 14<sup>th</sup> day of April, 2005, with

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, Arizona 85258

Executed copy of the foregoing mailed  
U.S. Certified Mail  
this 14<sup>th</sup> day of April, 2005, to:

David Wilbirt, M.D.  
7350 E Stetson Dr Ste 111  
Scottsdale Arizona 85251-3435

David G. Derickson  
David G. Derickson, P.C.  
3636 North Central, Suite 1050  
Phoenix Arizona 85012-1941

John G. Derickson  
Board Operations